

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Charles Gamble, #344426, a/k/a Charles  
Edward Gamble, Jr.,

PETITIONER,

v.

Warden, Lee Correctional Institution,

RESPONDENTS.

Civil Action No. 4:20-cv-03399-TLW

**Order**

This is an action filed by a state prisoner, Charles Gamble (“Petitioner”). ECF No. 1. This matter now comes before the Court for review of the Report and Recommendation (“Report”) filed by United States Magistrate Judge Thomas E. Rogers, III. ECF No. 10. Petitioner filed objections to the Report. ECF No. 12. This matter is now ripe for the Court’s review.

The Report recommends that the Court dismiss Petitioner’s complaint due to Petitioner’s failure to comply with the magistrate judge’s order, ECF No. 5, to pay the initial filing fee or to apply to proceed *in forma pauperis* and to complete a Petition form. ECF No. 10.

The Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In conducting its review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to

which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

*Wallace v. Housing Auth. of the City of Columbia*, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed the Report, the objections, and relevant filings. After careful consideration, the Court concludes that the Plaintiff's objections offer no showing, either factually or legally that the Report should be rejected. Therefore, **IT IS ORDERED** that the Report, ECF No. 10, is **ACCEPTED**, and the Objections to the Report, ECF No. 12, are **OVERRULED**. For the reasons stated in the Report, Plaintiff's complaint, ECF No. 1, is **DISMISSED WITHOUT PREJUDICE**.

The Court has reviewed this petition in accordance with 28 U.S.C. § 2253. The Court concludes that it is not appropriate to issue a certificate of appealability as to the issues raised herein. Petitioner is advised that he may seek a certificate from the Fourth Circuit Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure.

**IT IS SO ORDERED.**

*s/Terry L. Wooten*  
Senior United States District Judge

March 29, 2023  
Columbia, South Carolina